

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 18 November 2015, commencing at 6.35pm and concluding at 7.37pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr MB Walker, Cr JK Weatherley, Cr JR Webb and Cr L White.
IN ATTENDANCE	General Manager (B Cam), Director Operations (D Colwell), Acting Director Development (L Densley), Chief Operating Officer (L Johnson), Director Community (S Jones) and Executive Secretary (M Sutton).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Heldon)

Item 1: Apologies

Apologies were received for the absence of Councillor Percy Thompson and Councillor Peter Shelley.

378/15 MOTION: Cavalier / Martens

That the apologies for the absence of Councillor Percy Thompson and Peter Shelley be received and leave of absence granted.

The motion was carried with Councillors voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

379/15 MOTION: Weatherley / Walker

That the Minutes of the Ordinary Meeting held on 21 October 2015 (Minute Nos. 335/15 to 377/15) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

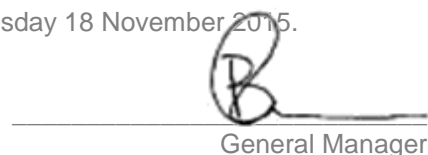
Item 4: Matters in Progress

Noted.

Item 5: Mayoral Minute

There is no Mayoral Minute.


Mayor


General Manager

Item 6: General Business**6.1 NOTICES OF MOTION**

There are no Notices of Motion.

6.2 REPORTS TO COUNCIL
**6.2.1 DA0072/2016, DWELLING HOUSE @ 52 LUE ROAD MILROY
GOV400043, DA0072/2016**

MOTION: Walker / Weatherley

That:

1. the report by the Senior Town Planner on the Development Application 0072/2015 proposed dwelling Lot 313 DP 1183266 52 Lue Road Milroy be received;
2. that the Development Application 0072/2015 proposed dwelling Lot 313 DP 1183266 52 Lue Road Milroy be approved in accordance with the following conditions:

APPROVED PLANS CONDITIONS

3. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the two provided statement of environmental effects; one prepared Minespex and Sunrai Designs except as varied by the conditions listed herein.

Title / Name:	Drawing No	Issue:	Date	Prepared by:
Site Plan	407PIR-01	D	03/09/2015	Sunrai Designs
Floor Plan	407PIR-02	D	03/09/2015	Sunrai Designs
First Floor & Sections	407PIR-03	D	03/09/2015	Sunrai Designs
Elevations	407PIR-04	D	03/09/2015	Sunrai Designs

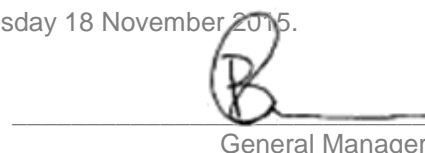
4. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE BUILDING

The following conditions must be compiled with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building.

5. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.


Mayor


General Manager

6. Prior to the issue of a Construction Certificate, certification is to be provided to Mid-Western Regional Council demonstrating that the unauthorised fill that has been imported to the building site is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

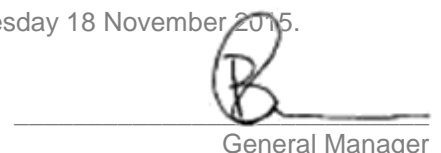
7. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - A) the appointment of a Principal Certifying Authority and
 - B) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

8. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.
9. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out:
 - A) stating that unauthorised entry to the work site is prohibited, and
 - B) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - C) the name, address and telephone number of the principal certifying authority for the work,
 - D) The sign shall be removed when the erection or demolition of the building has been completed.
10. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
11. If the work involved in the erection/demolition of the building:
 - A) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - B) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to


Mayor


General Manager

- prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
12. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.
 13. Prior to the commencement of works, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
 14. The development site is to be managed for the entirety of work in the following manner:
 - A) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - B) Appropriate dust control measures;
 - C) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - D) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

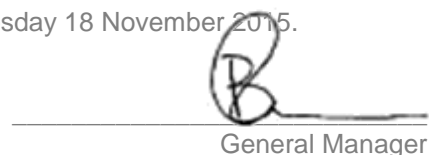
BUILDING CONSTRUCTION

15. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
16. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
17. Construction work noise that is audible at other premises is to be restricted to the following times:
Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.
18. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
19. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.



Mayor



General Manager

20. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
 - A) the method of protection; and
 - B) the date of installation of the system; and
 - C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - D) the need to maintain and inspect the system on a regular basis.
21. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
22. The requirements of BASIX Certificate number 654558S issued on 3 September 2015 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s

Septic tank

23. The on-site sewage management system shall comply with the On-site Sewage Disposal report prepared by K&H Geotechnical Services reference number KHEFF1401 dated February 2014 and letter dated 14 September 2015 confirming amended site location.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

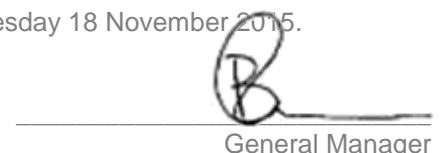
24. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.

General

25. The finished floor levels of all buildings and other structures be located above the 100 year ARI plus 500mm freeboard.
26. All structures to have flood compatible building components below or at the 100 year ARI flood level plus 500mm freeboard.
27. Engineers report to certify that any structure can withstand the forces of floodwater debris and buoyancy up to and including a 100 year ARI flood plus 500mm freeboard.



Mayor




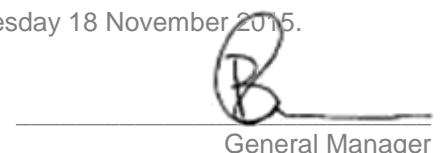
General Manager

28. The Home Emergency Plan as prepared in accordance with NSW SES guideline shall be reviewed and submitted to Council every two years as measured from the commencement of works on the site.
29. Main power supply is subject to the approval of the relevant electricity supplier, the incoming main commercial power service equipment, including all metering equipment, shall be located above the 100 year ARI flood level plus 500mm freeboard. Means shall be available to easily disconnect the building from the main power supply.
30. Wiring - all wiring, power outlets, switches etc should, to the maximum extent possible, be located above the 100 year ARI flood level plus 500mm freeboard. All electrical wiring installed below the 100 year ARI flood level plus 500mm freeboard should be suitable for continuous submergence in water and should contain no fibrous components. Only submersible-type splices should be used below the 100 year ARI flood level plus 500mm freeboard. All conduits located below the 100 year ARI flood level plus 500mm freeboard should be so installed that they will be self-draining if subjected to flooding.
31. Equipment - all equipment installed below or partially below the FPL should be capable of disconnection by a single plug and socket assembly.
32. should any electrical device and/or part of the wiring be flooded, it should be thoroughly cleaned and replaced and checked by an approved electrical contractor before reconnection.
33. Fuel - heating systems using gas or oil as a fuel should have a manually-operated valve located in the fuel supply line to enable fuel cut-off.
34. Installation - the heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 mm above the 100 year ARI flood level plus 500mm freeboard.
35. Ducting - all ductwork located below the 100 year ARI flood level plus 500mm freeboard should be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or flood below the 100 year ARI flood level plus 500mm freeboard, the ductwork should be protected by a closure assembly operated from above the 100 year ARI flood level plus 500mm freeboard.

PRESCRIBED CONDITIONS

36. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
{Reason: Prescribed condition pursuant to clause 98 of the EP&A Regulation 2000}


Mayor


General Manager

37. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

{Reason: Prescribed condition pursuant to clause 98 of the EP&A Regulation 2000}

38. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

{Reason: Prescribed condition pursuant to clause 98A of the EP&A Regulation 2000}

39. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

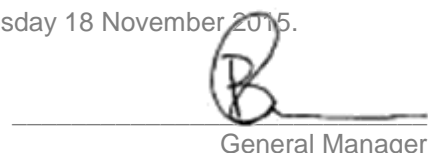
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

{Reason: Prescribed condition pursuant to clause 98B of the EP&A Regulation 2000}

The motion was put and lost with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier		✓
Cr Kennedy	✓	
Cr Martens		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓


Mayor


General Manager

380/15 MOTION: Cavalier / White

That item 6.2.38, item 6.2.29 and item 6.2.30 be brought forward on the agenda and considered directly after item 6.2.2.

The motion was carried with Councillors voting unanimously.

6.2.2 PLANNING PROPOSAL FOR SMALL LOT
AVIATION/RESIDENTIAL SUBDIVISION ASSOCIATED WITH
AIRPORT ON LOT 63 DP 618063, GEORGE CAMPBELL DRIVE
– POST EXHIBITION REPORT

GOV400043, LAN900050

MOTION: Walker / Kennedy

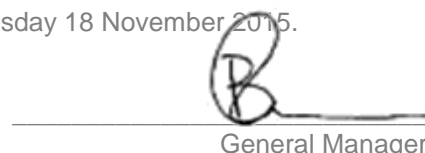
That:

1. the report by the Acting Director Development on the Planning Proposal for Small lot aviation/residential subdivision associated with Airport on Lot 63 DP 618063, George Campbell Drive – Post Exhibition Report be received;
2. the proponent prepare a preliminary contamination report consistent with condition 4 of the Gateway Determination for inclusion in the submission from Council under section 59 of the Environmental Planning and Assessment Act, 1979; and
3. following receipt of the preliminary contamination report Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to rezone land known as Lot 63 DP 618063, subject to the Opinion issued by Parliamentary Counsel.

The motion was put and lost with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier		✓
Cr Kennedy	✓	
Cr Martens		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓


Mayor


General Manager

6.2.38 DA0228/2015, COMMERCIAL SHOPS, SHOP TOP HOUSING
AND STRATA SUBDIVISION - THE REGENT THEATRE 5-7
CHURCH STREET MUDGEE – LATE REPORT

GOV400043, DA0228/2015

381/15

MOTION: White / Walker

That:

1. The report by the Senior Town Planner on the 'Regent Theatre' Development Application (DA0228/2015) be received;
2. The application be approved as a deferred commencement subject to the following conditions:

DEFERRED COMMENCEMENT CONDITION

1A. Deferred Commencement Consent

This Consent does not operate until Council is satisfied that: Development consent for the use of the right of way over Lot 1 DP86378 (Lawson Park Hotel) for the purposes of the development (in particular, access thereto), has been obtained.

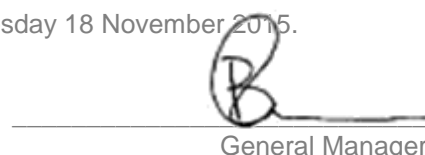
This is a deferred commencement condition in accordance with Section 80(3) of the Environmental Planning and assessment Act 1979 and this consent shall not operate until it has been complied with to the satisfaction of Council.

APPROVED PLANS CONDITIONS

1. Development is to be carried out generally in accordance with the following stamped approved plans

Plan Number	Plan Reference	Prepared by	Date
Job 1303 Dwg A02A	Basement Floor Plan	Barry Rush & Associates Pty Ltd	15/04/2015
Job 1303 Dwg A03A	Ground Floor Area	Barry Rush & Associates Pty Ltd	20/04/2015
Job 1303 Dwg A04A	First Floor Plan	Barry Rush & Associates Pty Ltd	20/04/2015
Job 1303 Dwg A05A	Second Floor Plan	Barry Rush & Associates Pty Ltd	15/04/2015
Job 1303 Dwg A06A	Third Floor Plan	Barry Rush & Associates Pty Ltd	15/04/2015
Job 1303 Dwg A07A	Fourth Floor Plan	Barry Rush & Associates Pty Ltd	28/04/2015
Job 1303 Dwg A08A	Roof Plan	Barry Rush & Associates Pty Ltd	15/04/2015
Job 1303 Dwg A09A	West & North Elevations	Barry Rush & Associates Pty Ltd	20/04/2015
Job 1303 Dwg A10A	East & South Elevations	Barry Rush & Associates Pty Ltd	15/04/2015
Job 1303 Dwg A11A	Sections	Barry Rush & Associates Pty Ltd	15/04/2015


Mayor


General Manager

Plan Number	Plan Reference	Prepared by	Date
N/A	Proposed interpretation of the fluted attached piers and light panel (as amended in red)	Barbara Hickson	N/A
N/A	Statement of Environmental Effects	Boston Blyth Fleming Town Planners	February 2015
Ref 14886	Traffic and Parking Matters	Varga Traffic Planning Pty Ltd	21/04/2015
Ref 22995-GR01a	Geotechnical Investigation Report	Barnson Pty Ltd	16/04/2015
N/A	Statement of Heritage Impact	Barbara Hickson Heritage Advisor	20/01/2015
N/A	Supplementary Statement of Environmental Effects	Boston Blyth Fleming Town Planners	04/05/2015

and the Application received by Council on 9 February 2015 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy

AMENDMENTS

3. The plans are to be amended to require four of the single bedroom units be consolidated into two individual two bedroom units.

GENERAL TERMS OF APPROVAL

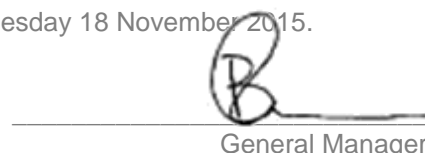
4. The ground floor commercial premises are to be used solely for the purposes of retail or business premises and for no other use at any time in accordance with the definition of shop top housing.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL

The following conditions must be compiled with prior to Council issuing a Construction certificate for the proposed civil works.

5. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying


Mayor


General Manager

Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year event. All storm water detention details including analysis shall be included with the drainage report.

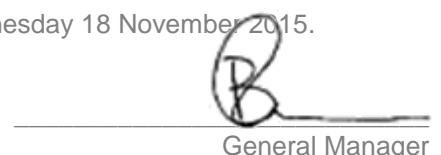
The development must meet the water quality requirements pursuant to Council's Development Control Plan and Appendix B.

6. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
7. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
8. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly;
 - d) Maintenance of erosion and sediment control structures;
9. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a *Construction Certificate*. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D. A costed bill of quantities should be submitted with the design plans.

A Construction Certificate is required for but not limited to the following civil works;

 - a) Water and sewer main extensions
 - b) Stormwater drainage such as interallotment drainage, detention basins,
 - c) Road construction
 - d) Footpath and kerb & gutter


Mayor


General Manager

- e) traffic control devices and signage (to also be approved by Council's Heritage Officer)

NOTE: No works can commence prior to the issue of the Construction certificate

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE BUILDING

The following conditions must be compiled with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building.

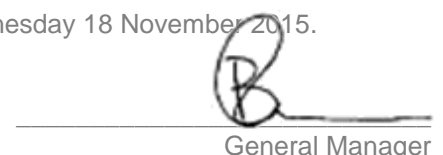
10. A report by a suitably qualified practising structural engineer detailing the methods and actions required to ensure the structural stability and protection of the building, including internal finishes, during demolition and construction is to be submitted to the PCA prior to the issue of a CC. The work is to be executed in accordance with the engineer's recommendations to the satisfaction of the PCA before the issue of an OC.
11. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from telecommunications and energy service providers stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
12. Complete landscaping plans are to be submitted for approval prior to issue of a Construction Certificate. All landscaping to consist of appropriately advanced trees and shrubs. All landscaping is to be established prior to occupation of the development. Tree and shrub species should require minimal watering and salt resistant. Alternatively, smaller plan sizes will be considered if irrigation systems are implemented.

The landscaping is to include trees within the entire 'planting' section referenced on the Ground Floor Plan that will achieve a minimum mature height of 5m and should be spaced a maximum of 4m apart.

The landscaping is to include a minimum of 15 square metres of communal edible gardens infrastructure within the confines of the rooftop terrace. The communal gardens are to have adequate access to reticulated water.

13. The developer shall obtain a Certificate of Compliance under the *Water Management Act 2000*. This will require:
 - a) Payment of a contribution for water and sewerage headworks at the following rate:

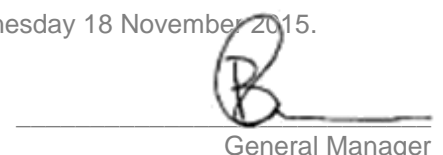

Mayor


General Manager

Water Headworks	\$110,082
Sewerage Headworks	\$77,560
Total	\$187,642

- b) The adjustment of existing services or installation of new services and metres, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.
Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.
14. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council.
- A Quantity Surveyor's Detailed Cost Report is to be submitted to determine the contribution payable to Council.
15. All building work is to comply with the requirements of the Access to Premises Standard
16. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
17. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
18. A waste management plan prepared by a suitably qualified person is to be lodged with and approved by Council prior to the issue of a construction certificate. The plan is to include the following:
- a) Details showing the recycling of waste products where appropriate, in particular demolition waste to ensure recoverable waste types (bricks, concrete and steel) are separated from other non-recoverable waste types.
- b) A timeframe of delivery of waste to an approved waste disposal facility to ensure a staged delivery of waste.
- c) Details of the soil excavated from the site must at a minimum meet the requirements for General Solid Waste or VEHM to be disposed of at the Mudgee Waste Facility.
19. Design verification must be provided by a registered architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the


Mayor


General Manager

building/architectural plans submitted with the Construction Certificate.

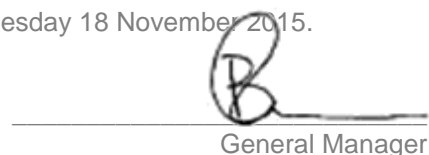
20. Prior to issuing a construction certificate a qualified acoustic engineer, who should either be a member of, or have the qualifications to become a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustical Consultants (AAAC), shall prepare & submit a report to the Principal Certifying Authority demonstrating that the following Equivalent Continuous (LAeq) is not to be exceeded:
- a) In any bedroom in the building – 30dB(A) at any time between 10pm and 7am.
 - b) Anywhere else in the building (other than a garage, kitchen, bathroom, hallway or balcony) – 35dB(A) at any time.
21. Confirmation that an agreement has been entered into with a licensed waste collection provider for the ongoing domestic collection of waste and recycling. The agreement is to ensure that:
- a) No bins are positioned within Council's road reserve or the Right of Way over Lot 1 DP 86378.
 - b) Collection is to occur between the hours of 9pm and 7am only.
 - c) Collection is not to involve the parking or standing of vehicles upon the Right of Way over Lot 1 DP 86378
22. All services for water/sewer reticulation, electricity, telecommunications and air conditioning ducting are to be provided in a manner that reduces the impact on the integrity of the original building and reduces the extent of new openings.
23. The existing panelled wall supporting the back of the stalls shall be re-used in the lift foyer. Detailed plans of this must be submitted and approved by Council prior to the issue of the construction certificate.
24. The external colour schedule shall be submitted and approved by Council prior to the issue of the construction certificate.

PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL

These conditions are provided to ensure that the subdivision site is maintained in a suitable manner and in accordance with relevant requirements

25. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority


Mayor


General Manager

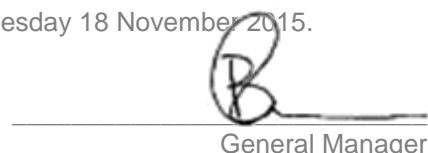
including the provision of easements over existing and proposed public infrastructure.

26. Prior to development the applicant shall advise Council's Planning Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
27. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council and the Principal Certifying Authority prior to any work commencing.
28. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

29. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
30. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE
31. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,

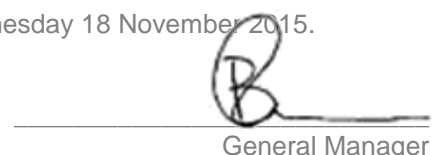

Mayor


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- d) The sign shall be removed when the erection or demolition of the building has been completed.
32. If the work involved in the erection/demolition of the building;
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place
A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
33. Prior to the commencement of works on site, the applicant shall advise Council's Planning Department, in writing, of any existing damage to Council property.
34. A photographic record of the whole theatre building located on site is to be prepared and submitted to Council in accordance with NSW Heritage Office guidelines prior to the commencement of demolition works.
35. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
36. The builder is to notify the occupants of premises on either side, opposite and at the rear of the development site a minimum of two days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premise (including every unit of a multi-unit residential building or mixed use building if applicable). The demolition must not commence prior to the date which has been stated in the notice letter.
37. Prior to the demolition, a Work Plan shall be prepared by a competent person(s) in accordance with AS 2601 and shall be submitted to the Corporation. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions



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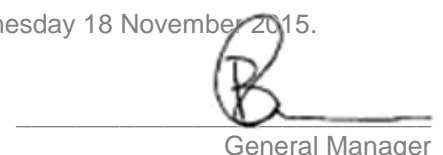
to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

38. All recommendations contained within the submitted Statement of Heritage Impact shall be undertaken. Council must be advised in writing of the specifics of these recommendations including timeframes prior to demolition. The industrial equipment (including the projector equipment) shall be donated to a museum.
39. A Conservation Management Plan (CMP) shall be prepared in accordance with the NSW Office of Environment and Heritage guidelines and document titled 'Conservation Management Documents' for the foyer. The CMP shall be submitted to Council prior to demolition.

BUILDING CONSTRUCTION

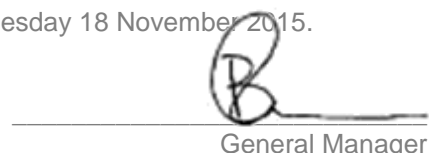
40. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
41. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
42. Construction work noise that is audible at other premises is to be restricted to the following times:
Monday to Saturday - 7.00am to 5.00pm
No construction work noise is permitted on Sundays or Public Holidays.
43. At no time shall vehicles stop or park within the Right of Way over the adjacent property during demolition and construction works.
44. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
45. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
 - a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;


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- b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
46. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa
47. The requirements of BASIX Certificate number(s) 606350M issued on 4 February 2015 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s
48. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
49. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
50. Survey reports are to be submitted to the Principal Certifying Authority prior to the placement of the footings/slab and at the completion of each storey to verify all structures are located wholly in the subject property and constructed at the relevant heights in accordance with this approval.
51. To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of


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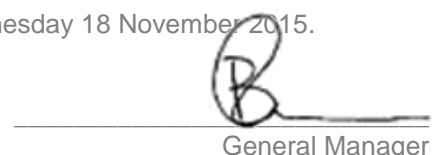
excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority and the works must be undertaken in accordance with this report.

52. During demolition, the public footway and public road shall be kept clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (not hosed) clean of any material, including clay, soil and sand.
53. All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
54. Dust generation during demolition / construction shall be controlled using regular control measures such as on site watering or damp cloth fences.
55. Care shall be taken to prevent any damage to adjoining properties. The building contractor may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such adjoining property.
56. The foyer must remain weather tight at all times during demolition and construction.
57. The hydrant to be located within the wall of the former candy bar is to be installed in accordance with a Structural Engineers recommendation to ensure the murals are not damaged or interfered with.

ENGINEERING CONSTRUCTION

58. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
59. Any additional stormwater infrastructure must be installed above the pre-existing sewer and comply with the clearances stated in WSA-02.
60. The works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - a) Installation of sediment and erosion control measures
 - b) Installation of stormwater infrastructure
 - c) Installation and testing of water and sewer mains
 - d) Installation of traffic control devices and signage


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e) Practical Completion**CAR PARKING**

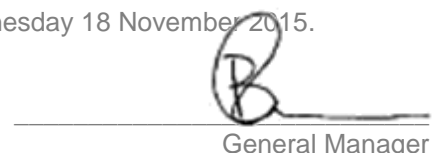
61. A total of 37 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
 - c) All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;
 - d) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
62. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
63. Appropriate signage should be provided internal to the building at the vehicular exit/entry point to ensure that:
- a) Drivers exiting slow down and take care when crossing the pedestrian pavement.
 - b) Exiting vehicles do not turn right onto Church Street.
64. A signal system is to be installed to service the subject development which displays a green signal to entering traffic off Church Street at all times except when an exiting vehicle is detected approaching the ROW from within the basement car park and or the adjoining property. Details of the location, design and technical specifications of the signal system are to be submitted to Council prior to issue of the Civil Construction Certificate.

WATER AND SEWER SERVICES

65. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
66. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act,1993) and in accordance with the National Specification – Water Supply Code of Australia.



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67. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Sewerage Code of Australia.
68. The developer shall provide for the individual water metering of each unit in the development.
69. Any footings/piles/piers required as part of the new development must not place structural loads onto the pre-existing sewer.
70. Any hard stand area with a sewer line underneath must be sawcut 1.5m either side of the sewer main.
71. Sewer manholes that are within the proposed development shall have risers installed as necessary so to be flush with the new finished surface level.
Note: This will require the applicant to arrange a private works estimate from Council's water and sewer department.
72. Plants or trees shall not be installed over any sewer mains or within sewer easements that traverse the site.
Note: Minor vegetation such as grass that poses no risk to the integrity of the sewer system is permitted.

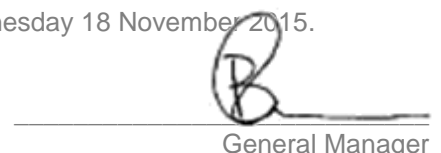
CULTURAL HERITAGE

73. Historic and indigenous archaeological sites and relics are protected under the Heritage Act 1977 and National Parks and Wildlife Act 1974 respectively. Should any relics be uncovered during the course of the approved works, work must cease in the affected area. Subsequently in cases where historical items have been uncovered, the Department of Planning must be contacted or if indigenous items have been uncovered the Office of Environment & Heritage must be contacted.
74. All workers/contractors must be informed of their obligations under the National Parks and Wildlife Act 1974, namely that it is illegal to disturb, damage or destroy a relic without the prior approval of the Chief Executive of the Office of Environment & Heritage.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.


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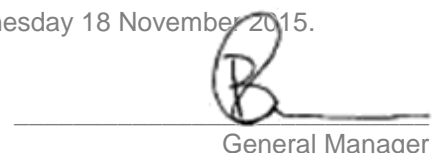
75. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
76. All car parking and associated driveway works are to be completed prior to occupation of the development.
77. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
78. Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been achieved upon completion of the development.
79. Privacy screens are to be provided on the southern elevation walkway balustrading in the vicinity of the adjacent PCYC windows to ensure a reasonable level of privacy is maintained to patrons of the PCYC building.
80. Signage is to be erected at those locations which provide direct access to the Right of Way advising that pedestrian use of the driveway is prohibited.
81. Suitable letterbox facilities within the building shall be provided in accordance with Australia Post specifications.
82. An interpretation plan prepared by a suitably qualified heritage consultant is to be approved by Council and is to be implemented before the issue of an OC.

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

83. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of a Annual Fire Safety Statement Certifying that each


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specified fire safety measure is capable of performing to its specification.

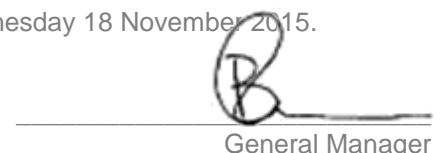
84. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
85. The domestic air conditioning unit/s must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulations 2000.
86. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
87. All air conditioning units are to be located at floor level for each unit to reduce their visual impact.
88. At no point are vehicles associated with the development to park or stop within the Right of Way located on the adjacent property.
89. Any existing signage including window signage located on the Regent Theatre is not to be removed or altered at any time.

STRATA SUBDIVISION

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

90. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.
(Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges)
91. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
92. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
93. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:


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- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
- b) A certificate from Telstra stating that they accept control/acquisition of the telecommunications infrastructure to the development.
- c) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier		✓
Cr Kennedy	✓	
Cr Martens		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

6.2.29 REQUEST FOR COUNCILS SUPPORT FOR CYCLE TRAILS ALONG RAIL CORRIDORS

GOV400043, R0790190

382/15

MOTION: Cavalier / White

That:

1. the report by the Director, Operations on the Request for Councils Support for Cycle Trails along Rail Corridors be received;
2. Council provide in principle support for the establishment of cycle trails along rail corridors in the Mid-Western Region.

The motion was carried with Councillors voting unanimously.

6.2.30 BUSINESS USE OF FOOTPATH POLICY AMEMDMENT

GOV400043, A0100021

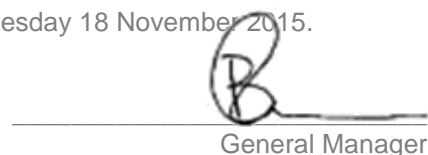
383/15

MOTION: White / Walker

That consideration of the Business Use of Footpaths Policy be deferred pending clarification of licencing issues.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

6.2.3 SUBMISSION – BYLONG COAL PROJECT EIS

GOV400043, A0420219

384/15

MOTION: Webb / White**That:**

1. the report by the Acting Director Development on the Submission – Bylong Coal Project EIS be received;
2. Council endorse the MWRC Submission in respect to the Bylong Coal Project with the following amendments:
 - Council provide in principle support for the project excluding the TWA;
 - The figures used throughout the EIS in relation to the value of agricultural land and associated production be validated;
 - The DP&E engage an independent hydrologist to assess both the ground water and surface water assessments with particular attention to their adequacy around water security, the importance of ascertaining accurate data from all the existing groundwater bores and wells, and including any perceived anomalies identified in the EIS.
3. The submission be forwarded to the Department of Planning and Environment for consideration.

The motion was put and carried with Councillors voting as follows:

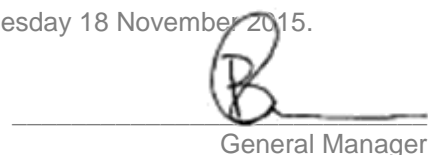
Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

Councillor Walker left the meeting at 6.54pm and did not return.

Council's Auditor, John O'Malley from Intentus, provided a presentation on Council's financial statements for 2014/15.

John advised that unqualified audit reports were issued, all reporting and disclosure obligations were satisfied and that all ratios and key measures are above OLG guidelines for 2014/15.


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6.2.4 LAND & HOUSING SUPPLY MONITOR ANNUAL REPORT
2014/15 AND FIRST QUARTER 2015/16

GOV400043, LAN900042

385/15 MOTION: Cavalier / Martens

That the report by the Acting Director Development on the Land & Housing Supply Monitor Annual Report be received.

The motion was carried with Councillors voting unanimously.

6.2.5 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING &
DETERMINED

GOV400043

386/15 MOTION: Webb / Cavalier

That the report by the Acting Director Development on the Monthly Development Applications Processing & Determined be received.

The motion was carried with Councillors voting unanimously.

6.2.6 PRESENTATION OF FINANCIAL STATEMENTS 2014/15

GOV400043, FIN3000077

387/15 MOTION: Webb / White

That the report by the Chief Financial Officer on the Presentation of Financial Statements 2014/15 be received.

The motion was carried with Councillors voting unanimously.

6.2.7 QUARTERLY BUDGET REVIEW STATEMENT SEPTEMBER
2015

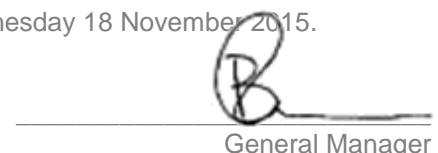
GOV400043, FIN300064

388/15 MOTION: Cavalier / Webb

That:

- 1. the report by the Manager, Financial Planning on the Quarterly Budget Review Statement September 2015 be received;**
- 2. Council endorse that the additional Roads to Recovery funding of \$852,314 for 2015/16 financial year be spent on the following projects:**
 - \$547,000 on Pyramul Road seal extension**
 - \$285,314 on Black Springs Road seal extension**
 - \$20,000 on Inglis Street kerb and gutter and shoulder sealing**
- 3. the 2015/16 Operational Plan be amended in accordance with the variations as listed in the quarterly budget review attachments; and**


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4. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.

The motion was carried with Councillors voting unanimously.

6.2.8 FINANCIAL ASSISTANCE APPLICATIONS

GOV400043, FIN300052

Councillor Cavalier declared a pecuniary conflict of interest in item 6.2.8 as he has a business relationship with the Mudgee Race Club, left the room at 7.17pm and did not participate in any discussion or vote in relation to this matter.

389/15

MOTION: Weatherley / White

That:

1. the report by the Chief Financial Officer on the Financial Assistance Applications be received;
2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

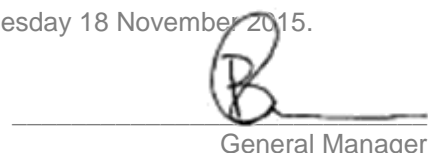
NSW Farmers Association	\$750
Kandos High School	\$100
Ilford Public School Parents and Citizens	\$100
Rylstone Uniting Church	\$500
Kandos Public School	\$100
Mudgee Race Club Meeting	\$2,500
3. Council provide an in-kind contribution to the following applicant in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Mudgee Triathlon Club	\$350
Kanandah Auxiliary	\$410
4. Council will not collect a facility hire bond from the following applicant for the event detailed in this report:
Kanandah Auxiliary
5. Council not support the following requests for financial assistance, for the reasons provided in the report:
Kandos Bicentennial Industrial Museum Inc.
Mudgee Indoor Swimming Club

The motion was carried with Councillors voting unanimously.

Councillor Cavalier returned to the room at 7.18pm.


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6.2.9 MONTHLY STATEMENT OF INVESTMENT AND BANK BALANCES AS AT 31 OCTOBER 2015

GOV400043, FIN300053

390/15 MOTION: Webb / Martens

That:

1. the report by the Manager, Financial Planning on the Monthly statement of investment and bank balances as at 31 October 2015 be received;
2. the certification of the Responsible Accounting Officer be noted.

The motion was carried with Councillors voting unanimously.

6.2.10 CHANGES TO 2015/16 FEES AND CHARGES

GOV400043, FIN300064/ FIN300040

391/15 MOTION: Cavalier / White

That:

1. The report by the Financial Accountant on the Changes to 2015/16 Fees and Charges be received;
2. Council resolve that the following charges be advertised for a period of 28 days as required in Section 610F of the Local Government Act;
3. The following new fee and charge take effect after 28 days public notice, if no submissions are received:
 - Sulo MG 240L bin wheels for replacement \$9.00 (gst exclusive)
4. The following amended fee structure take effect after 28 days public notice, if no submissions are received:

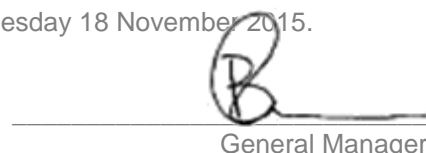
Appointment of Principal Certifying Authority and Building Compliance Inspections

Inspection Package Fees where Council is the Principal Certifying Authority

Residential Single Dwellings -	\$560.00
Residential Dual Occupancies	\$327.00
Section 68 Transportable Home	
Alterations and garages ≤ \$50,000	\$222.00
Alterations and garages > \$50,000	\$337.00
Residential Units	\$327.00
Commercial or Industrial Class 2-9 under 300m ²	\$95.00
Commercial or Industrial Class 2-9 from 300m ² to 2,000m ²	\$559.00
Commercial or Industrial Class 2-9 over 2,000m ²	\$907.00

5. The following court fees are amended, as the regulations which set the fee have changed:


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Financial Services Certificates	
Process Filing & Issue Fees	
Civil Claims - \$0.01 to \$10,000 - Standard	190.00
General Claims - \$10,000.01 to \$100,000- Standard	468.00
Examination Order - \$0.01 to \$100,000	164.00
Writ of Execution - \$0.01 to \$100,000	80.00
Warrant of Apprehension	80.00
Service Fee	64.00
Preparation Fees - bankruptcy notice/winding up	300.00
Preparation Fees - other documents	150.00
Miscellaneous Debt Recovery Fees	
Certificate of Judgment	58.00
Professional Costs - Amount of Claim \$0.01 to \$1,000	
Issue Statement of Claim	252.00
Default Judgment - Liquidated	112.80
Professional Costs - Amount of Claim \$1,000.01 to \$5,000	
Issue Statement of Claim	378.00
Default Judgment - Liquidated	169.20
Professional Costs - Amount of Claim \$5,000.01 to \$20,000	
Issue Statement of Claim	504.00
Default Judgment - Liquidated	225.60
Professional Costs - Amount of Claim \$20,000.01 to \$100,000	
Issue Statement of Claim	630.00
Default Judgment - Liquidated	282.00
Professional Costs - Enforcement after Judgement – Amount of Claim \$0.01 to \$100,000	
Writ of Execution	253.00
Examination Order	374.00
Attend Examination	300.30
Attend and Examination - Non-appearance	218.90
Warrant of Apprehension	199.00
Application to Set Aside Default Judgment	150.00
Appearances on Behalf of Council	
Objections to or Refusal of Instalment Order	150.00
Defended Hearings of Claim	300.00
Winding-Up Costs Lump Sum	2,142.00

The motion was carried with Councillors voting unanimously.

6.2.11 PRESCRIBED ENTITY TENDERS

GOV400043, COR400065, FIN300086

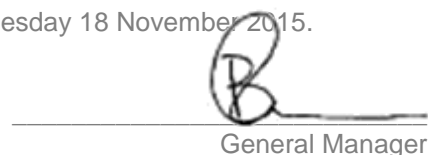
392/15

MOTION: Weatherley / Webb

That:

1. the report by the Chief Financial Officer on the Prescribed Entity Tenders be received;


Mayor


General Manager

2. Council delegate the General Manager authority to accept any tenders run through a Prescribed Entity as defined in the Local Government (General) Regulations (2005) Section 163.

The motion was carried with Councillors voting unanimously.

6.2.12 POLICY DELEGATION UPDATES

GOV400043, GOV400047

393/15 MOTION: Cavalier / Martens

That:

1. the report by the Chief Financial Officer on the Policy Delegation Updates be received;
2. Council adopt the revised policies, as follows:
 - Financial Assistance Policy
 - Media Policy
 - Categorisation as Farmland for Rating Purposes Policy
 - Categorisation as Residential for Rating Purposes Policy
 - Credit Policy
 - Debt Recovery Policy
 - Public Interest Disclosure Internal Reporting Policy

The motion was carried with Councillors voting unanimously.

6.2.13 REGPRO021617 – SUPPLY AND DELIVERY OF BITUMEN EMULSION

GOV400043, GOR500017

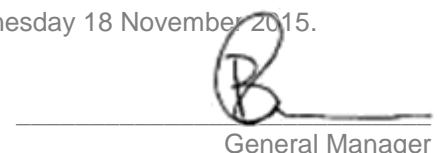
The following recommendations were adopted as a whole, being moved by Cr Cavalier, seconded by Cr Webb and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 390/15 and concluding with Resolution No. 392/15.

394/15 MOTION: Cavalier / Webb

That:

1. The report by the Procurement Manager on the Tender for the supply and delivery of bitumen emulsion be received;
2. Council accept the tender of Fulton Hogan Industries as the single source supplier for the supply and delivery of bitumen emulsion. This tender will run for 36 months commencing 1 January 2016 and concluding 31 December 2019.
3. Provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this through to 31 December 2020.


Mayor


General Manager

The motion was carried with Councillors voting unanimously.

6.2.14 ADDITIONAL PLANT (EXISTING SUPPLIER) - RFT 2013/03
WET & DRY PLANT HIRE PREFERRED SUPPLIER – ANDREW
TURNER EXCAVATIONS & MAAS PLANT HIRE PTY LTD
GOV400043, A0412904, COR400052

395/15

MOTION: Cavalier / Webb

That:

1. the report by the Procurement Manager on the Additional Plant (existing supplier - RFT 2013/03 Wet & Dry Plant Hire Preferred Supplier - Andrew Turner Excavations & MAAS Plant Hire Pty Ltd be received;
2. Council accepts the additional plant for these existing suppliers for Tender 2013/03 for the provision of Wet & Dry Plant Hire;

Contractor: Andrew Turner Excavations
Additional Services Provided: Excavator – Rubber Track
Contractor: MAAS Plant Hire Pty Ltd
Services Provided: Soil Stabilizer and Lime Spreader Truck

The motion was carried with Councillors voting unanimously.

6.2.15 ADDITIONAL SUPPLIER - RFT 2013/04 GENERAL
CONTRACTORS PREFERRED SUPPLIER – CLEAR SPRINGS
FENCING
GOV400043, A0412910, COR400089

396/15

MOTION: Cavalier / Webb

That:

1. The report by the Procurement Manager on the Additional Supplier - RFT 2013/04 General Contractors Preferred Supplier – Clear Springs Fencing be received;
2. Council accepts the additional supplier for Tender 2013/04 for the provision of General Contractors;

Contractor: Clear Springs Fencing
Services Provided: Fencing Contractor

The motion was carried with Councillors voting unanimously.

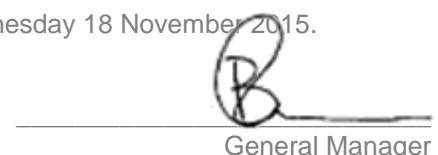
6.2.16 ANNUAL REPORT 2015

GOV400043, FIN300077

397/15

MOTION: Cavalier / White


Mayor


General Manager

That:

- 1. the report by the Governance Coordinator on the Annual Report be received;**
- 2. Council adopt the draft Annual Report 2015 and authorise it for release by the General Manager.**

The motion was carried with Councillors voting unanimously.

Mayor Kennedy made special mention of the presentation of the Annual Report 2015 and encouraged everyone to read it. They Mayor thanked Leonie Johnson and her team, Liz Densley and Julie Robertson for the excellent quality of the document.

6.2.17 COBBORA HOLDING COMPANY P/L – REQUEST FOR GRANT OF EASEMENTS FOR WATER PIPELINE

GOV400043, R0011011

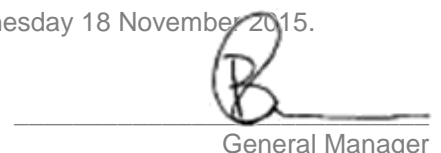
398/15

MOTION: Cavalier / Martens

That:

- 1. the report by the Revenue & Property Manager on the Cobbora Holding Company P/L – Request for Grant of Easements for Water Pipeline – Request for Grant of Easements for Water Pipeline be received;**
- 2. Council agree in principle to the granting of the two easements at the locations on part Sandy Creek Road, located within Lot 88 DP 750780 and that part Woodburn Road which is under Local Government jurisdiction between the boundaries of Lots 14 & 54 DP 750780, as shown in the attachments to the letter dated 10 August 2015 on behalf of Cobbora Holding Company Pty Ltd;**
- 3. a valuation be obtained in accordance with Council's Land Acquisition & Disposal Policy for each of the two proposed easements at the locations on part Sandy Creek Road, located within Lot 88 DP 750780 and that part Woodburn Road which is under Local Government jurisdiction between the boundaries of Lots 14 & 54 DP 750780, as shown in the attachments to the letter dated 10 August 2015 on behalf of Cobbora Holding Company Pty Ltd;**
- 4. the General Manager be authorised to determine the terms that would form any initial easement agreement, the final easement survey plans and section 88B instrument and to negotiate with Cobbora Holding Company Pty Ltd to secure the amount of compensation to be paid to Council as a result of the granting of the easements;**
- 5. Cobbora Holding Company Pty Ltd is required to pay the amount of the determined compensation to Council upon Council signing any initial easement agreement;**


Mayor


General Manager

6. **Cobbora Holding Company Pty Ltd is required to construct the pipeline in accordance with the conditions and standards cited in Council's Water Pipes Across and Along Roads Policy and any other terms deemed relevant;**
7. **in relation to the proposed easement which runs parallel to that part Woodburn Road which is under Local Government jurisdiction between the boundaries of Lots 14 & 54 DP 750780, the proposed pipeline should not be constructed under the Road or table drain but in the verge or nature strip of the Road reserve;**
8. **all costs associated with this matter, including Council's reasonable administrative and legal costs and the costs of the valuations in relation to the two easements are to be borne by Cobbora Holding Company Pty Ltd;**
9. **the General Manager and Mayor be authorised to sign all documentation required to give effect to this resolution;**
10. **the Common Seal be affixed to any documentation required to give effect to this resolution.**

The motion was carried with Councillors voting unanimously.

6.2.18 RELINQUISHMENT OF TRUSTEESHIP OF RESERVE R81766
TO NSW NATIONAL PARKS & WILDLIFE SERVICE

GOV400043, P1895311

399/15

MOTION: Webb / Cavalier

That:

1. **the report by the Revenue & Property Manager on the Relinquishment of Trusteeship of Reserve R81766 to NSW National Parks & Wildlife Service be received;**
2. **Council agree to relinquish Trusteeship of Reserve R81766 and recommend to Trade & Investment – Crown Lands that NSW National Parks & Wildlife Service be appointed as Trust Manager;**
3. **Council support NSW National Parks & Wildlife Service's proposal to add Reserve R81766 to the Goulburn River National Park.**

The motion was carried with Councillors voting unanimously.

6.2.19 NAMING OF A NEW STREET IN A SUBDIVISION OFF BRUCE
ROAD

GOV400043, R0790041

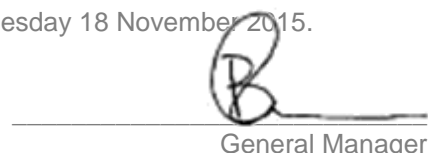
400/15

MOTION: Cavalier / White

That:



Mayor



General Manager

1. **the report by the Revenue & Property Manager on the Naming of a New Street in a Subdivision off Bruce Road be received;**
2. **Council formally approve the name of Barrington Court for this new street.**

The motion was carried with Councillors voting unanimously.

6.2.20 NAMING OF AN UNNAMED LANE BETWEEN INGLIS &
NICHOLSON STREETS

GOV400043, R0790141

401/15 MOTION: Cavalier / Martens

That:

1. **the report by the Revenue & Property Manager on the Naming of an Unnamed Lane between Inglis & Nicholson Streets be received;**
2. **Council formally approve the name of Nolan Lane for this unnamed Lane.**

The motion was carried with Councillors voting unanimously.

6.2.21 NAMING OF AN UNNAMED LANE OFF SPRING FLAT ROAD

GOV400043, R0790041

402/15 MOTION: Cavalier / White

That:

1. **the report by the Revenue & Property Manager on the Naming of an Unnamed Lane off Spring Flat Lane be received;**
2. **Council formally approve the name of Plenty Road for this unnamed Lane.**

The motion was carried with Councillors voting unanimously.

6.2.22 FORMALISATION OF ROAD WIDENING – SPRING CREEK
ROAD

GOV400043, P0419911

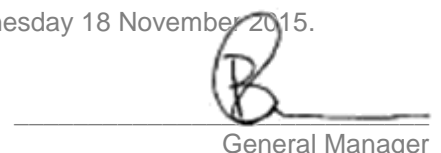
403/15 MOTION: Weatherley / Cavalier

That:

1. **the report by the Revenue & Property Manager on the Formalisation of Road Widening - Spring Creek Road be received;**



Mayor



General Manager

2. Pursuant to Section 9 Roads Act 1993 Council dedicates that part of allotment 449 DP 755433 having an area of 594 m2 and as shown on Attachment 1 to this Report, as public road.
3. the General Manager be authorised to sign all documents necessary in relation to the dedication of that part of allotment 449 DP 755433 as shown on Attachment 1 to this Report, as public road;
4. Council authorises the affixing of the Common Seal to all documents necessary in relation to the dedication of that part of allotment 449 DP 755433 as shown on Attachment 1 to this Report, as public road.

The motion was carried with Councillors voting unanimously.

6.2.23 CAERLEON SUBDIVISION – SUPPLY OF WATER AND SEWAGE DISTRIBUTION INFRASTRUCTURE


GOV400043, COR400111

404/15

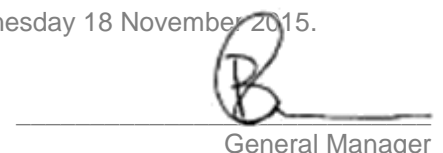
MOTION: Cavalier / Martens

That:

1. The report by the Senior Water and Waste Water Engineer for RFT 2015/16 “Caerleon Subdivision – Supply of Water and Sewage Distribution Infrastructure” be received;
2. Council accept the tender of Ledonne Constructions Pty Ltd for the supply and construction of single water trunk main and dual sewer rising mains for the amount of \$1,842,074 (exc GST) in accordance with clause 178 of the Local Government (General) Regulation 2005;
3. the 2015/16 Operational Plan be amended to increase the project budget for the water main installation at Caerleon by \$219,000 (exc GST), to be funded from Water Reserves;
4. the 2015/16 Operational Plan be amended to reduce the Caerleon Sewer Main budget by \$196,000 (exc GST) to be returned to Sewer Reserves;
5. Council authorise the General Manager to enter into contract negotiations on behalf of Council with Poonindie trading as Ted Wilsons & Sons for the design and construction of the sewer pump station;
6. The General Manager be granted delegated authority to approve variations to both contracts up to a cumulative total of 10% of the original contract sum; and
7. The unsuccessful tenderers be notified that their tenders were unsuccessful.



Mayor



General Manager

The motion was carried with Councillors voting unanimously.

6.2.24 SUPPLY OF QUARRY PRODUCTS FOR ADDITIONAL
SUPPLIER – KANDOS OPERATIONS PTY LTD

GOV400043, A0411307

405/15 MOTION: Cavalier / Webb

That:

1. the report by the Manager Works on the Supply of quarry products for additional supplier – Kandos Operations Pty Ltd be received;
2. Council accepts Kandos Operations Pty Ltd be included in the preferred suppliers lists for the supply of quarry products in accordance with Clause 178 of the Local Government (General) Regulation 2005.

The motion was carried with Councillors voting unanimously.

6.2.25 REPLACEMENT OF FUEL TRUCK

GOV400043, A0300018


406/15 MOTION: White / Webb

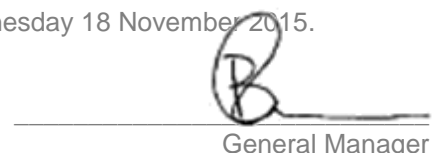
That:

1. the report by the Manager Plant & Facilities on the Replacement of Fuel Truck be received;
2. Council accepts Isuzu Australia Limited for VendorPanel quotation VP37463 for the provision of one Isuzu FSR700/850 with an Almighty Industries body and diesel tank for the quoted price of \$143,292.64 (excl GST) and that Council enter into a contract with Isuzu Australia Limited in accordance with clause 178 of the Local Government (General) Regulation 2005;
3. Council approves the General Manager to authorise variations up to 10% of the contract value;
4. The unsuccessful applicants are notified that their quotations were unsuccessful.

The motion was carried with Councillors voting unanimously.

The following recommendations were adopted as a whole, being moved by Cr Webb, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 403/15 and concluding with Resolution No. 404/15.


Mayor


General Manager

6.2.26 REPLACEMENT OF WASTE LANDFILL COMPACTOR

GOV400043, A0300018

407/15

MOTION: Webb / Cavalier**That:**

1. the report by the Manager Plant & Facilities on the replacement of Waste Landfill Compactor be received;
2. Council accepts GCM Enviro Pty Ltd for VendorPanel quotation VP37473 for the provision of one Tana E320 Landfill Compactor for the quoted changeover price of \$563,000 (excl GST) and that Council enter into a contract with GCM Enviro Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005;
3. Council approves the General Manager to authorise variations up to 10% of the contract value;
4. The unsuccessful applicants are notified that their quotations were unsuccessful.

The motion was carried with Councillors voting unanimously.

6.2.27 PURCHASE OF WATER CART

GOV400043, A0300018

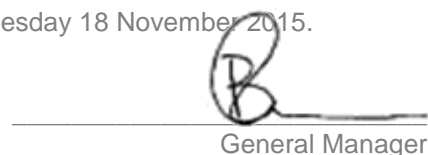
408/15

MOTION: Webb / Cavalier**That:**

1. the report by the Manager Plant & Facilities on the Purchase of Water Cart be received;
2. Council accepts Isuzu Australia Limited for VendorPanel quotation VP69142 for the provision of one Isuzu FYJ2000 with Barry Burrows Engineering body for the quoted price of \$247,896.36 (excl GST) and that Council enter into a contract with Isuzu Australia Limited in accordance with clause 178 of the Local Government (General) Regulation 2005;
3. Council approves the General Manager to authorise variations up to 10% of the contract value;
4. The unsuccessful applicants are notified that their quotations were unsuccessful.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

6.2.28 PEDESTRIAN ACCESS AND MOBILITY PLAN

GOV400043, ROA100027

409/15

MOTION: Weatherley / Webb**That:**

1. **the report by the Manager Works on the Pedestrian Access and Mobility Plan be received;**
2. **the Pedestrian Access and Mobility Plan is placed on public exhibition for a period of 28 days.**

The motion was carried with Councillors voting unanimously.

The following recommendations (items 6.2.31, 6.2.32, 6.2.33, 6.2.35, 6.2.36 and 6.2.37) were adopted as a whole, being moved by Cr Cavalier, seconded by Cr White and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 410/15 and concluding with Resolution No. 415/15.

6.2.31 COMPANION ANIMALS MANAGEMENT PLAN REVIEW

GOV400043, ENV200001

410/15

MOTION: Cavalier / White**That:**

1. **the report by the Governance Coordinator on the Companion Animals Management Plan review be received;**
2. **the Companion Animals Policy be placed on public exhibition for 28 days;**
3. **if no submissions are received following the public exhibition period, that the Companion Animals Policy be adopted by Council.**

The motion was carried with Councillors voting unanimously.

6.2.32 HOME AND COMMUNITY CARE QUARTERLY REPORT

GOV400043, A0060030, COS300025, COS300013, COS300023, COS300026

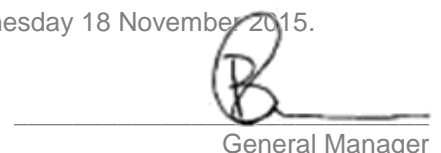
411/15

MOTION: Cavalier / White**That:**

1. **the report by the Manager, Community Services on the Home and Community Care Quarterly Report be received;**
2. **Council note the activity reports from the Home and Community Care funded services.**

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

6.2.33 LIBRARY SERVICES QUARTERLY REPORT JULY –
SEPTEMBER 2015

GOV400043, FO620020

412/15 MOTION: Cavalier / White

That Council receive and note the report by the Library Services Coordinator on the Library Services – Quarterly Report.

The motion was carried with Councillors voting unanimously.

6.2.35 MUDGEY SALEYARDS MANAGEMENT COMMITTEE MEETING
MINUTES

GOV400043, F0720036

413/15 MOTION: Cavalier / White

That:

- 1. the report by the Director, Operations on the Mudgee Saleyards Management Committee be received;**
- 2. the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held 8th October 2015 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.36 GULGONG SPORTS COUNCIL - SEPTEMBER 2015

GOV400043, A0360003

414/15 MOTION: Cavalier / White

That:

- 1. the report by the Director, Community on the Gulgong Sports Council September meeting minutes be received;**
- 2. the minutes of the Gulgong Sports Council ordinary monthly meeting held on 16 September 2015 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.37 WEEDS ADVISORY COMMITTEE MEETING MINUTES

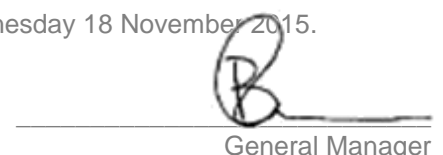
GOV400043, ENV200017, ENV200042

415/15 MOTION: Cavalier / White

That:

- 1. the report by the Noxious Weeds Administrator on the Weeds Advisory Committee be received;**
- 2. the minutes of the Noxious Weeds Advisory Committee held on Monday 7 September 2015 be noted;**


Mayor


General Manager

3. the amended Local Weed Control Management Plan be adopted.

The motion was carried with Councillors voting unanimously.

6.2.34 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE MEETING MINUTES

GOV400043, F0650007

MOTION: Webb / Cavalier

That:

1. The report by the Manager Plant & Facilities on the Mudgee Showground Management Committee be received;
2. the demolition of the grandstand proceed due to safety concerns, with the intention of having the grandstand replaced;
3. A two tier fee structure for profit and non-profit organisations hiring Council's facilities at the Showground be investigated;
4. The old stables block and yards be demolished; and
5. Grant funding be pursued as a priority for the replacement of the grandstand facility.

416/15

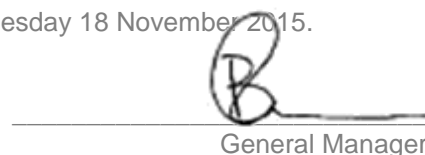
AMENDMENT: Weatherley / Martens

- 1. The report by the Manager Plant & Facilities on the Mudgee Showground Management Committee be received;**
- 2. the demolition of the grandstand proceed due to safety concerns,**
- 3. A two tier fee structure for profit and non-profit organisations hiring Council's facilities at the Showground be investigated;**
- 4. The old stables block and yards be demolished; and**
- 5. Grant funding be pursued as a priority for the replacement of the grandstand facility.**

The amendment was put and carried on the casting vote of the Mayor, and on being put as the motion was again carried on the casting vote of the Mayor with Councillors voting as follows:

Councillors	Ayes	Nays
Cr Cavalier		✓
Cr Kennedy	✓	
Cr Martens	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓


Mayor


General Manager

Item 7: Urgent Business Without Notice

7.1 Nil

Item 8: Confidential Session

417/15 MOTION: Cavalier / White

That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

Following the motion to close the meeting being moved and seconded, the General Manager announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

Subject: Payment of Legal Costs – MWRC ats Peabody Pastoral Holdings P/L

The reason for dealing with this matter confidentially is that it relates advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.

Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

The motion was carried with Councillors voting unanimously.

8.1.1 Payment of Legal Costs – MWRC ats Peabody Pastoral Holdings P/L

GOV400043, A0340007, A0340047, P2115411, P2094511, P0759411

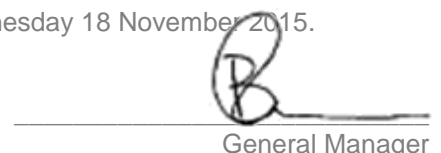
418/15 MOTION: Cavalier / White

That:

- 1. the report by the General Manager on the Payment of Legal Costs - MWRC ats Peabody Pastoral Holdings P/L be received;**
- 2. Council settle the amended order for costs made by the Supreme Court of NSW of \$2,422.02 net (exclusive of GST) with Peabody Pastoral Holdings Pty Ltd in accordance with Amended Certificate of Determination of Costs of Costs Assessment dated 27 August 2015.**

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

Item 9: Open Council

419/15 MOTION: Cavalier / White

That the Council move to Open Council.

The motion was carried with Councillors voting unanimously.

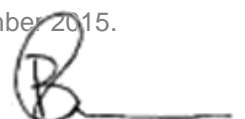
The General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.37pm.



Mayor



General Manager